

BASARA
Appl. No. 10/057,958
August 14, 2003

REMARKS/ARGUMENTS

Applicant encloses a Terminal Disclaimer disclaiming the terminal portion of any patent issuing from the present application beyond the term of U.S. Patent No. 6,349,841.

The rejection of the claims as unpatentable over Danielson, U.S. Patent No. 2,663,910, in view of Gits, U.S. Patent No. 3,031,722 is respectfully traversed. The Examiner states that the Danielson reference discloses an integral container having "a continuous inner surface without gap," as well as an "inner hollow body ... including a continuous inner surface." Applicant submits this is not an accurate characterization of the Danielson reference or the claimed subject matter. In any event, applicant has amended the claims to more clearly point out the distinctions in this aspect of the invention over the Danielson and Gits references.

In the originally presented claims, the container structure included a continuous inner surface without any gap and, more particularly, a second inner hollow body including a continuous inner surface without any gap. The phrase "continuous...without any gap" means integral or homogeneous, i.e., made of the same material. The original claim also noted that the container structure had a smooth continuous outer surface. The outer surface of the container is also described as formed by a "substantially continuous" variously decorated outer surface. The terms "substantially continuous" and "smooth continuous" indicated a surface which is smooth but also provides patterns obtained by including inner body projections matching outer body openings of the respective bodies. That is, those latter terms embraced an outer surface which was

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formed of a homogeneous or integral material or two materials in the context of the claim.

To more particularly bring forth this aspect of the claimed invention, i.e., a homogeneous inner surface of the inner body and a smooth continuous outer surface, applicant has amended the claim to require the first and second bodies to be formed of first and second materials. The second body includes a continuous inner surface formed solely of the second material and without any penetration of the first material through the inner body. Also, the claim has been amended to provide further definition for the smooth continuous outer surface of the container as being formed of the first and second materials of the outer and inner bodies, respectively. Thus, it is quite clear that the inner hollow body penetrates the outer hollow body, but that the outer hollow body does not penetrate the inner hollow body. The inner surface of the inner body is thus continuous without gaps, i.e., homogeneous or integral, formed of the same material, while the outer surface of the container is smooth and continuous and formed of the materials of the first and second bodies.

Danielson has an inner body D as identified by the Examiner which includes penetrations by projections 14 through the inner body D and which projections form part of the inner surface. That is, as seen from Figure 6, the inner surface of the body D as viewed from right to left includes material from both the inner body D, as well as the outer body A in the form of the projections 14. Consequently, the inner surface of the inner body of Danielson is not formed solely of the materials forming the inner body D and is not without penetration by the material of the outer body A and is not without

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gaps. The inner surface of body D is therefore not continuous as claimed since the inner surface comprises two discrete parts of both bodies D and A.

Gits discloses a molded plastic article formed in two "shots," part of the article being formed by the first shot and the rest of the article being formed by the second shot (see Gits, col. 1, ll. 36-39). The first shot is provided with radially directed webs 72 having the same function as the projections 14 of Danielson (col. 5, ll. 8-12; Figures 3-4). As claimed, the inner body penetrates openings in the outer body but the outer body does not penetrate through the inner body.

Accordingly, applicant believes that the application is now in condition for allowance and early notification of the allowance thereof is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Richard G. Besha
Richard G. Besha
Reg. No. 22,770

RGB:alm
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100